

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY SIMMONS,	:	Civil Action No. 4:15-CV-1268
	:	
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
CAROLYN COLVIN,	:	
<i>Acting Commissioner of</i>	:	
<i>Social Security,</i>	:	
	:	(Magistrate Judge Cohn)
	:	
Defendant.	:	

ORDER

September 26, 2016

On September 1, 2016, Magistrate Judge Gerald B. Cohn, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the undersigned affirm the decision of the Commission of Social Security denying Plaintiff, Timothy Simmons, social security benefits. Simmons did not file objections to the report and recommendation, and the time within which to do so has since passed.

Upon designation, a magistrate judge may "conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of

fact and recommendations."¹ Once filed, this Report and Recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.² When objections are timely filed, the district court must conduct a de novo review of those portions of the report to which objections are made.³ Although the standard of review for objections is de novo, the extent of review lies within the discretion of the district court, and the court may otherwise rely on the recommendations of the magistrate judge to the extent it deems proper.⁴

For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."⁵ Regardless of whether timely objections are made by a party, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations

¹28 U.S.C. 636(b)(1)(B).

²28 U.S.C. 636(b)(1).

³28 U.S.C. § 636(b)(1); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir.2011).

⁴*Rieder v. Apfel*, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)).

⁵Fed.R.Civ.P. 72(b), advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

made by the magistrate judge.⁶

Despite the lack of objections by the Plaintiff, the Court has reviewed the report and recommendation of the magistrate judge and is satisfied that there is no clear error in its face. It is well-written and scrupulously details the substantial evidence that supports the Commissioner's decision.

The report and recommendation of the magistrate judge is ADOPTED IN FULL. ECF No. 15. The decision of the Commissioner is AFFIRMED. The Clerk is directed to enter judgment in favor of the Commissioner and against the Plaintiff. The Clerk is further directed to close the case file.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge

⁶28 U.S.C. § 636(b)(1); Local Rule 72.31.